IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dayton, Ohio

Docket No. **9112.00**

Application of: **Graham Russell et al.**

APR 12 2006

Serial No. **09/665,846**

Group Art Unit: **3624**

Filed: **September 20, 2000**

Examiner: **Stefanos Karmis**

For: **DISTRIBUTED IMAGE CAPTURE PROOF-OF-DEPOSIT SYSTEM AND METHOD OF OPERATING A DISTRIBUTED IMAGE CAPTURE PROOF-OF-DEPOSIT SYSTEM**

CERTIFICATE OF MAILING

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REVISED SECOND APPEAL BRIEF

Sir:

This revised second Appeal Brief responds to the Notification of Non-Compliant Appeal Brief dated April 7, 2006. Three copies of the second Appeal Brief are filed herewith. There is no fee required to file this revised second Appeal Brief since a fee has already been paid when the first Appeal Brief was filed on January 6, 2005.

(1) REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation of Maryland.

(2) RELATED APPEALS AND INTERFERENCES

None.

(3) STATUS OF CLAIMS

The above-identified patent application was filed on September 20, 2000 with claims 1-24. In response to an Office Action mailed March 23, 2004, claims 3-6, 8, 15-18, and 20 were canceled, claims 1, 2, 7, 9-14, 19, and 21-24 were amended, and new claims 25 and 26 were added. In response to a final Office Action mailed on September 21, 2004, claims 1, 2, 7, 10-14, 19, and 22-24 were canceled and claims 9 and 21 were amended, but no amendments were entered. A first Notice of Appeal was filed on December 21, 2004. A first Appeal Brief was filed on January 6, 2005. In response to an Office Action mailed May 5, 2005, a second Notice of Appeal and an accompanying amendment which canceled claims 9-12 and 21-24 and added independent claims 27 and 28, respectively, in their place were filed on October 5, 2005. Thus, claims 1, 2, 7, 13, 14, 19, and 25-28 remain pending and stand rejected.

Claims 25 and 27 are being appealed and are attached as an appendix to this second Appeal Brief.

(4) STATUS OF AMENDMENTS

The amendment accompanying the second Notice of Appeal filed on October 5, 2005 has been entered. This amendment canceled claims 9-12 and 21-24, and added new independent claims 27 and 28, respectively, in their place. Independent claim 27 is dependent claim 12 rewritten in independent form, and independent claim 28 is dependent claim 24 rewritten in independent form.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 25

A method is provided of operating a distributed image capture proof-of-deposit system 10 having a central processing site 20 and a number of branches 30A...30N

connected via a network 40 with the central processing site (see Fig. 1; page 6, lines 2-11). The method comprises:

(a) capturing at a branch images of physical document items without use of a group of physical tracer document items (see page 6, lines 12-27);

(b) transferring the captured images of physical document items from the branch via the network to the central processing site (see page 7, lines 16-18);

(c) receiving at the central processing site the images transferred from the branch (see page 7, lines 16-18);

(d) assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time (see page 7, lines 19-24);

(e) creating a group of logical tracer document items based upon the assigned unique entry number (see Figs. 4 and 5; page 9, line 24 to page 10, line 7); and

(f) associating the group of logical tracer document items with all batches of document items received from the branch during the predetermined period of time so as to allow further downstream processing of the batches of document items at a later time (see Fig. 6; page 10, lines 3-28).

Independent Claim 27

A method is provided of operating an encoding workstation 26 of an image-based item processing system to process physical document items which are contained in a number of document trays without using a group of physical tracer document items in the document trays (see Fig. 3; page 12, lines 5-10). The method comprises the steps of:

(a) determining whether a group of physical tracer document items is included in a tray of physical document items (see Fig. 7; page 12, lines 15-17);

(b) associating unique group of logical tracer document items with the tray of physical document items when the determination in step (a) is negative (see page 12, line 19 through page 13, line 4);

(c) assigning a logical pocket number to each logical tracer document item in the unique group of logical tracer document items (see page 13, lines 4-10);

(d) for each logical tracer document item, encoding a physical blank document item with information associated with the particular logical tracer document item (see page 13, lines 11-12); and

(e) for each encoded item of step (d), routing the encoded physical document item to a physical pocket which has been assigned the logical pocket number of step (c) (see page 13, lines 12-13).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

An issue presented for review is whether each of claims 25 and 27 is patentable under 35 U.S.C. Section 103(a) over U.S. Publication No. 2002/0073060 to Geisel et al. (referred to herein as "Geisel") in view of U.S. Patent No. 6,863,214 to Garner IV et al. (referred to herein as "Garner").

(7) ARGUMENT

Claims 25 and 12 (which is now rewritten in independent form as claim 27) are rejected under 35 U.S.C. §103(a) as being unpatentable over Geisel in view of Garner.

Applicant would like to respectfully point out that the rejection of claims 25 and 27 is improper for reasons explained hereinbelow.

Claim 25

Applicant notes that the Examiner admits that Geisel does not disclose elements (d), (e), or (f) of claim 25 of the present application. Applicant also notes that the Examiner refers to Garner for these three elements.

With respect to element (d) of claim 25 of the present application, Applicant notes that the Examiner specifically refers to column 3, line 60 through column 4, line 15 of the specification of Garner. In this regard however, Applicant would like to respectfully point out that this text portion of Garner discloses that a prime pass sequence number is assigned to and printed on each item. This prime pass sequence

number which is assigned in Garner is like the unique sequence number which is assigned in the present application (see page 6, lines 25-27 of the specification of the present application). The assigned prime pass sequence number of Garner is not the same as the assigned unique entry number of the present application (see page 7, lines 19-24 of the specification of the present application). There is no disclosure in this text portion of Garner of "assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time" as claimed in element (d) of claim 25 of the present application.

With respect to element (e) of claim 25 of the present application, Applicant notes that the Examiner specifically refers to column 7, line 49 through column 8, line 8 of the specification of Garner. In this regard however, Applicant would like to respectfully point out that this text portion of Garner discloses that there is merely a logical (not physical) relationship between prime pass MICR codeline data an images and recapture MICR codeline data and images. There is no disclosure in this text portion of Garner of "creating a group of logical tracer document items based upon the assigned unique entry number" as claimed in element (e) of claim 25 of the present application.

In fact, there is no disclosure anywhere in Garner of creating a group of logical tracer document items, let alone creating a group of logical tracer document items based upon an assigned unique entry number. Also, in fact, Garner discloses that tracer-group slips are placed in front of documents that constitute a tracer group (see column 2, lines 54-56 in the specification of Garner). Since Garner discloses that documents constitute the tracer group, there would be no need to create a group of logical tracer document items.

With respect to element (f) of claim 25 of the present application, since Garner does not disclose either element (d) or element (e) of claim 25 of the present application, Garner cannot disclose element (f) which recites "associating the group of logical tracer document items with all batches of document items received from the branch during the predetermined period of time so as to allow further downstream processing of the batches of document items at a later time".

If the Examiner continues to reject claim 25 of the present application by applying Garner, it is respectfully requested that he:

(i) specifically point out where Garner discloses that a unique entry number (as defined on page 7, lines 19-24 of the specification of the present application) is assigned to all batches of document items received from a branch during a predetermined period of time; and

(ii) explain why Garner would even have a need to create a group of logical tracers when documents that constitute a tracer group are already present in Garner (see column 2, lines 54-56 in the specification of Garner).

Absent an adequate explanation of both items (i) and (ii) above, it is respectfully submitted that the rejection of claim 25 of the present application is improper and, therefore, should be withdrawn.

Claim 27

With respect to element (b) of claim 27 of the present application, Applicant notes that the Examiner specifically refers to page 3, paragraphs 0035-0036 of the specification of Geisel. In this regard however, Applicant would like to respectfully point out that paragraphs 0035-0036 of Geisel discloses confidence-based codeline matching logic which provides an algorithm to resolve unreadable characters between versions of check codelines, especially those captured during multiple sorter passes. Paragraphs 0035-0036 of Geisel have nothing at all to do with "associating unique group of logical tracer document items with the tray of physical document items..." as recited in step (b) of claim 27 of the present application.

Applicant also notes that the Examiner refers to Garner for steps (d) and (e) of claim 27 of the present application. In this regard however, Applicant would like to respectfully point out that neither Geisel nor Garner discloses even step (b) of claim 27 of the present application, in which a unique group of logical tracer document items is associated with a tray of physical document items when a determination is made that a group of physical tracer document items is not included in the tray of physical document items. Since neither Geisel

nor Garner discloses step (b), Garner cannot disclose steps (d) and (e) of claim 27 of the present application because steps (d) and (e) require a unique group of logical tracer document items to have been associated with a tray of document items (as in step (b)) before steps (d) and (e) can be performed.

If the Examiner continues to reject claim 27 of the present application by applying Geisel, it is respectfully requested that he:

(i) explain how a process of resolving unreadable characters between versions of check codelines (as in paragraphs 0035-0036 of Geisel) has anything at all to do with associating a unique group of logical tracer document items with a tray of physical document items (as in step (b) of claim 27 of the present application); and

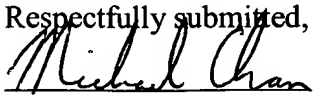
(ii) specifically point out where Geisel discloses that a unique group of logical tracer document items is associated with a tray of physical document items when a determination is made that a group of physical tracer document items is not included in the tray of physical document items.

Absent an adequate explanation of both items (i) and (ii) above, it is respectfully submitted that the rejection of claim 27 of the present application is improper and, therefore, should be withdrawn.

Conclusion

In view of the forgoing reasons, it is clear that the rejection of claims 25 and 27 under 35 U.S.C. Section 103(a) is improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 25 and 27.

Respectfully submitted,



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(8) CLAIMS APPENDIX

25. A method of operating a distributed image capture proof-of-deposit system having a central processing site and a number of branches connected via a network with the central processing site, the method comprising:

(a) capturing at a branch images of physical document items without use of a group of physical tracer document items;

(b) transferring the captured images of physical document items from the branch via the network to the central processing site;

(c) receiving at the central processing site the images transferred from the branch;

(d) assigning a unique entry number to all batches of document items received from the branch during a predetermined period of time;

(e) creating a group of logical tracer document items based upon the assigned unique entry number; and

(f) associating the group of logical tracer document items with all batches of document items received from the branch during the predetermined period of time so as to allow further downstream processing of the batches of document items at a later time.

27. A method of operating an encoding workstation of an image-based item processing system to process physical document items which are contained in a number of document trays without using a group of physical tracer document items in the document trays, the method comprising the steps of:

(a) determining whether a group of physical tracer document items is included in a tray of physical document items;

(b) associating unique group of logical tracer document items with the tray of physical document items when the determination in step (a) is negative;

(c) assigning a logical pocket number to each logical tracer document item in the unique group of logical tracer document items;

(d) for each logical tracer document item, encoding a physical blank document item with information associated with the particular logical tracer document item; and

(e) for each encoded item of step (d), routing the encoded physical document item to a physical pocket which has been assigned the logical pocket number of step (c).

(9) EVIDENCE APPENDIX

None.

(10) RELATED PROCEEDINGS APPENDIX

None.